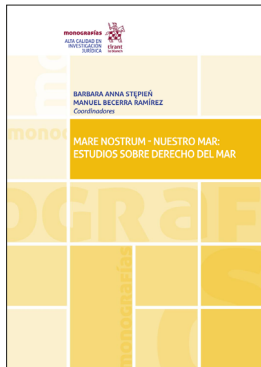

“The Many Faces of Contemporary International Law of the Sea. Remarks on the monograph”, en *Mare nostrum – nuestro mar: Estudios sobre derecho del mar*, Stępień, Barbara Anna y Becerra Ramírez, Manuel (eds.), Tirant lo Blanch, Ciudad de México, 2019, 403 pp.

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Barbara Anna Stępień and Manuel Becerra Ramírez have decided to present the complexity of research questions regarding the law of the sea, as well as to discuss its current status and challenges that it will have to respond to. The aim of the international team of scholars, the authors of the book, was to stimulate scholarly discussion on the topic of the law of the sea within the area of international law in Mexico and in the broader context of the

Latin American region. In addition, Stępień and Becerra Ramírez capitalized on a perfect moment, that is, the 25th anniversary of the United Nations Convention on the Law of the Sea (UNCLOS), which was introduced on 16 November 1994. The monograph *Mare nostrum – nuestro mar* shows that the law of the sea is a vast research area, a topic that has not been exhausted, and that there are still many unanswered questions related to it, as well as many new opportunities for research.

The question of the law of the sea has been present in the doctrine of public international law since the very beginning, namely when this branch of law was distinguished from other legal sciences. Already in 1609, Hugo Grotius, a scholar known as “the

father of the law of the nations”, published his work *Mare liberum*, whose significance has been appreciated until today. The law of the sea constitutes one of the most important branches of contemporary *ius gentium* and deals with such important issues as maritime areas, navigation, and other uses of the sea. Human activity has been present not only within the land but also within the sea since time immemorial, and, consequently, it has been followed by the development of law regulating the ways of using maritime areas. Moreover, the law of the sea constitutes one of the branches of public international law that, while dealing with its own particular issues, remains inextricably linked to public international law as a whole, nonetheless. One of its fundamental issues is, without a doubt, territory, including maritime territory, which constitutes an indispensable element of a state —the main actor of international relations and, at the same time, subject of international law—. The law of the sea is a fundamental subject area regarding the law of nations. This branch does not aspire to doctrinal separation and autonomy —as is the case of European law or human rights law—. Yet, the law of the sea takes into account as sources, to some extent, not only international legal acts but also domestic legal acts. Taking into consideration all of the above, the monograph edited by Barbara Anna Stępień and Manuel Becerra Ramírez is a significant and inspiring study in two ways: its subject is a topical and important research area of international law and, at the same time, it can and should be analysed according to general premises of public international law, as well as national and domestic doctrine for this discipline. Moreover, the book’s perspective allows to fill in a significant gap in contemporary Mexican scholarship.

The structure of the book was constructed in such a way as to present an outline of the most important theoretical issues and a discussion of empirical examples, as well as to show a Mexican perspective of the discussed issues. All three parts of the book reveal that, instead of a comprehensive and systematic study of the law of the sea, we have here a selection of issues by the authors. This also applies to the first, more general part of the book, which *prima fa-*

cie may be perceived as a flaw, but the scrutiny and advanced level of analysis of the issues discussed in the book fully compensate for the selectivity of the material.

The first part of the book —*temas generales*— consists of five articles. Even though they do not exhaust the subject, which can be classified as a general description of rules and institutions of the law of the sea, their content focuses on very important issues from the perspective of both the past 25 years of history of the functioning of the provisions of the UNCLOS and present time. For example, it is worth noticing the analysis of the functioning and jurisprudence of the International Tribunal for the Law of the Sea (ITLOS) in Hamburg —by Wagner Menezes—. The first article of the UNCLOS states that parties should resolve conflicts with peaceful means. They have at their disposal, *inter alia*, this tribunal, which ensures a proper interpretation of the rules of the law of the sea and their effective enforcement. This court is a specialised guardian of the resolutions adopted in 1982. Based on Menezes's interpretation, it can be stated that the law of the sea is a specialised branch of public international law, and this stems from the fact, *inter alia*, that there is a particular international court for this branch of law. No less interesting is the text regarding the preliminary work that culminated with the adoption of the UNCLOS —by José Luis Vallarta Marrón—. The Third United Nations Conference of the Law of the Sea, taking place between 1972 and 1982, has been one of the most important and undoubtedly the longest codification conferences concerning international law, and constitutes a characteristic example of modern international relations and multilateral diplomacy. J. L. V. Marrón shows, in a fascinating way, the background work for the adoption of “the constitution of the seas and oceans” from the perspective of a member of the Mexican delegation. The remaining articles focus on: ITLOS's jurisprudence —Alberto César Moreira—, the status of an island —Donald R. Rothwell—, and the principle of freedom of the seas and the rule of authority over ships —Xavier J. Ramírez García de León—.

The second part of the monograph —specific issues— is an analysis of various cases, which allows seeing the current conditions and challenges of the law of the sea. Stepień points out that, currently, there are about 200 marine boundaries in the world that require delimitation. Juan Ramón Martínez Vargas and Angélica María Gutiérrez Ramos undertake an analysis of baselines, which constitutes a good starting point for resolving concrete cases of delimitation of maritime territories. Delimitation is a problem that should be considered not only in legal terms but also taking into account complex political and historical contexts, which makes this an even harder endeavour —see also the articles by Maria Adele Carrai and Juan Carlos Velázquez Elizarrarás—.

The third and last part of the monograph explores issues that allow us to learn about, and assess, the Mexican contribution to the development of the law of the sea, as well as to become acquainted with the steps that must be taken in order for Mexico to comply with the current international and legal regulations —Fabiola Jiménez Morán Sotomayor, Pablo Ferrara, Manuel Becerra Ramírez—. International treaty law is based on an agreement between countries, which is necessary both at the law-making stage and in its execution. As a result, it is really interesting to see the descriptions and analyses made from the perspective of a particular doctrine, as well as the law-making activities and those other activities involving the execution of law by specific countries as subjects of international law.

Finally, it is worth addressing the title of the book. It invites the reader to reflect on the function and effectiveness of international rules of the law of the sea and, hence, to attempt to answer the question of what *mare nostrum* currently is. The aim of the rules making up the current law of the sea is not only, nor primarily, the demarcation of maritime territories and assigning the jurisdiction of given countries, but also to guarantee the peaceful coexistence of countries, as well as cooperation within zones not subject to state jurisdiction, such as the high seas or the seabed —which

hold the status of *terra communis*—. Contemplating the contemporary meaning of the term *mare nostrum*, it is impossible not to confront a true dilemma: is such space for all humankind or only for those holding positions that allow them to annex some portions of the sea and to seize them for their own purposes and interests?

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